

ZT-11-2008
West Valley City
Landscape Berm Requirement Changes

West Valley City is proposing changes to the landscape berm requirement in the Off-Street Parking Requirements (Chapter 7-9) of the West Valley City Ordinances. The pertinent section, copied below, requires a minimum three foot high berm in the twenty foot wide landscape strip adjacent to a street.

7-9-113. LANDSCAPING AND SCREENING.

(1) Parking lots with five or more spaces must have a minimum of a 10-foot wide landscape strip in side yards adjacent to any street and a minimum of a 20-foot wide landscape strip in front yards. A 10-foot wide landscape strip shall incorporate a 2-foot high masonry screen wall with the landscaping sloping upward to the top of the wall. 20-foot wide landscape strips shall incorporate a berm with a minimum elevation of three feet above the adjacent sidewalk. Exterior perimeters of the parking lot, which are not adjacent to a street, shall have a minimum of a five-foot wide landscaping strip.

Staff is suggesting a modification to this section to eliminate the need for a berm in certain situations, such as not being able to meet drainage requirements in any other practical manner other than using swales, or using accepted techniques and materials as part of an energy efficient program (i.e. LEED certification) or an environmental enhancement program such as bioswales. The following restrictions would apply:

- The Planning Commission may consider this alternative as a conditional use on properties over ten (10) acres.
- Modification would be allowed only in an M zone.
- Allowed only on interior streets within the development.
- Not allowed on any high-image street or major arterial.
- A combination of hedges, shrubs, trees, landscape boulders, screen walls and similar devices shall be used to provide adjacent parking lot screening and variation.

These changes, if adopted, would be incorporated into Chapter 7-9-113(1), Landscaping and Screening, in the Off-Street Parking chapter. Suggested language for the changes would be:

“The Planning Commission may consider alternatives to the berming requirement as a conditional use on properties of at least ten (10) acres. This provision would apply only to properties in the Manufacturing (M) zone and only on interior streets within the development, not on any high-image arterial streets. Screening for adjacent parking lots would be required using a combination of hedges, shrubs, trees, landscape boulders, screen walls and similar devices.”

Included in the packet is some information on bioswales.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing. The following requirements would apply:
 1. The Planning Commission may consider this alternative as a conditional use on properties over ten (10) acres.
 2. Modification would be allowed only in an M zone.
 3. Allowed only on interior streets within the development.
 4. Not allowed on any high-image street or major arterial.
 5. A combination of hedges, shrubs, trees, landscape boulders, screen walls and similar devices shall be used to provide adjacent parking lot screening and variation.
- Continuance, to allow for the resolution of any issues raised at the public hearing.
- Denial, as the current ordinance addresses the issues of landscaping and screening adequately and this text change is not necessary.

Applicant:

West Valley City

Discussion: Ron Weibel presented the application. Brent Fuller questioned if everything that requires a berm will need to go through a conditional use process under this change to the ordinance. Ron replied that anyone that wants to eliminate a berm will need to and added that even something 10 acres or more will have to go through the conditional use process. He stated that he thinks it would be extremely rare to see an application being submitted to eliminate berms for the sole purpose of swales. Jason Jones questioned what the Board of Adjustment's role is in modifying any of these new conditions. Ron stated that this is not something that staff can allow a variance on because it is part of the ordinance but requested legal advice on the possibility of it going to the Board of Adjustment. Claire Gillmor explained the process an applicant must undergo and the series of requirements needed to apply to the Board of Adjustment. She stated that someone may appeal this type of project to the Board but the criteria involving the process are very specific and difficult to meet. Ron further explained that someone would not be allowed to put a swale on their property simply because it's cheaper. A variance could only potentially be granted if an applicant could prove that not having a swale is a hardship of the land.

Jack Matheson stated that swales have been used at the International Center and looking at those he has seen that some of these have overgrown with vegetation even though they have concrete bottoms. He stated that sometimes the swales catch a lot of garbage so placement is very important. Commissioner Matheson continued to explain that soil in West Valley City is composed mainly of clay where those near the International Center are sand and gravel. The sand and gravel accept a lot of water and there isn't a lot of

water run off so no pipe is really needed. Commissioner Matheson explained that his concern is that water will not go directly into the ground in West Valley City and piping should be required to capture excess water. Ron replied that in this specific case the swales are still meant to act as a storm drain system and will empty into a pond. Jack expressed concern that developers must retain or detain water on their own property and this particular drainage area will not be owned by the developer. Ron answered that the applicant will still need to meet all the requirements of the Public Works department and added that some water will likely be detained in parking lots.

Brent Fuller stated that he is not necessarily opposed to this because they have to come through and present their plans through a conditional use process. Ron explained that this is just a first small step to accommodate our ordinances to environmental issues that will be important in the next few years and added that other things may need to be changed and looked at as well. Commissioner Fuller stated that there are parts of the swale system that he doesn't like but he would like to see someone try to come up with a good system. Harold Woodruff agreed.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval subject to the 5 staff conditions.

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	No
Chairman Woodruff	Yes

Majority - ZT-11-2008– Approved